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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,534	03/13/2001	Brian M. Siegel	SONY 3.0-026	2120
530	7590	06/14/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			LEROUX, ETIENNE PIERRE	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,534

Applicant(s)

SIEGEL ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 12, and 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Status

Claims 1, 2, 4-9, 12, 14-18 are pending. Claims 3, 10, 11 and 13 have been canceled. Claims 1, 2, 4-9, 12 and 14-18 are rejected as detailed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1, 2, 4-9, 12 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,913,210 issued to Call (hereafter Call) in view of US Pat No 6,763,384 issued to Gupta et al (hereafter Gupta).

Claims 1 and 12:

Call discloses:

associating a first code [universal product code and first Internet address per col 3, lines 48-60] with a first characteristic of a product and a second code [universal product code and second Internet address per col 3, lines 48-60] with a second characteristic of the same product,

storing a first characteristic value associated with the first characteristic and a second characteristic value associated with the second characteristic [registration handler, Fig 2, item 203]

associating an identity of a first entity with at least one of the first or second codes including setting one or more update values indicating whether the first entity is authorized to receive changes relating to the first or second characteristic values associated with the first or second code [col 3, lines 48-60],

changing at least one of the characteristic values to produce a changed characteristic value [col 4, lines 34-37, col 6, lines 22-30, col 8, lines 32-42],

retrieving the identity of the first entity based on the changed characteristic value [col 6, lines 31-42, col 10, lines 46-56]

determining whether the first entity is authorized to be informed of the changed characteristic value based on one of the one or more update values [col 5, lines 1-3, access to data in certain forms only to authorized users]

Call discloses the elements of the claimed invention as noted above but does not disclose sending the changed characteristic value to the first entity based on the determination. Gupta discloses sending the changed characteristic value to the first entity based on the determination [col 3, lines 1-12]. It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to modify Call to include sending the changed characteristic value to the first entity based on the determination as taught by Gupta for the purpose of immediately notifying an interested client of the occurrence of an event [col 2, lines 64-67]. The skilled artisan would have been motivated to modify Call per the above such that a client can be informed of information as soon as it becomes available.[col 1, lines 35-40]

Claim 2:

The combination of Call and Gupta discloses the elements of claim 1 as noted above but does not disclose associating the identity of a second entity with the same code as that associated with the first entity, retrieving the identity of the second entity based on the code associated with the characteristic having the changed value, and sending the changed value to the second entity. However, Call discloses the product codes and the Internet addresses are provided by or on behalf of participating manufacturers and suppliers [col 2, lines 50-52]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Call and Gupta to include associating the identity of a second entity with the same code as that associated with the first entity, retrieving the identity of the second entity based on the code associated with the characteristic having the changed value, and sending the changed value to the second entity. The ordinarily skilled artisan would have been motivated to modify the combination of Call and Gupta per the above for the purpose of controlling the scope and content which a manufacturer makes available [col 8, lines 32-35].

Claim 4:

The combination of Call and Gupta discloses the elements of claim 1 as noted above and furthermore, Call discloses sending the changed characteristic value by email [col 4, lines 44-52 and col 7, lines 7-10]

Claim 5:

The combination of Call and Gupta discloses the elements of claims 1 and 4 as noted above and furthermore, Call discloses retrieving the electronic address of the first entity [col 4, lines 10-26]

Claim 6:

Call discloses:

providing product data associating information codes to information about a product [col 3, lines 48-60],

providing destination data correlating the information codes to entities [col 4, lines 10-26],

storing an entity - data association [col 3, lines 48-60]

modifying the information about the product [col 4, lines 34-37, col 8, lines 32-42]

identifying a first entity based upon the information code associated with the information about the product, the product data and the destination data [col 3, lines 48-60]

determining whether the first entity is authorized to be informed of the modified information based on the entity-data association [col 10, lines 33-37]

Call discloses the elements of the claimed invention as noted above and furthermore, discloses providing access to data in certain forms only to authorized requesters [col 5., lines 1-5] but does not disclose transmitting the modified information about the product to the first entity. Gupta discloses transmitting the modified information about the product to the first entity [col 3, lines 1-12]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Call to include transmitting the modified information about the product to the first entity as taught by Gupta for the purpose of immediately notifying an interested client of the occurrence of an event [col 2, lines 64-67]. The skilled artisan would have been motivated to modify Call per the above such that a client can be informed of information as soon as it becomes available.[col 1, lines 35-40].

Claim 7:

The combination of Call and Gupta discloses the elements of claim 6 as noted above and furthermore, Call discloses wherein the modified information is transmitted over a network and the first entity is a computer on the network [Fig 1, items 120 and 103]

Claim 8:

The combination of Call and Gupta discloses the elements of claims 6 and 7 as noted above and furthermore, Call discloses wherein the network is the Internet [col 2, lines 28-33]

Claim 9:

The combination of Call and Gupta discloses the elements of claim 6 as noted above and furthermore, Call discloses wherein the product is a service [col 2, lines 33-47]

Claim 14:

The combination of Call and Gupta discloses the elements of claim 12 as noted above and furthermore, Call discloses wherein the means for sending the changed value comprises means for sending the value by email [col 7, lines 7-30].

Claim 15:

Call discloses:

a processor [Fig 1, item 103]

data instructions [Fig 1, item 103] executable by the processor, the instructions including:

associating a first code with a first characteristic of a product and a second code [second Internet address per col 3, lines 48-60] with a second characteristic of the same product [first Internet address per col 3, lines 48-60];

storing a first characteristic value associated with the first characteristic and a second characteristic value associated with the second characteristic [Fig 2, item 203]

associating an identity of a first entity with at least one of the codes [col 3, lines 48-60];

changing at least one of the characteristic values [col 4, lines 34-37, col 8, lines 32-42];

retrieving the identity of the first entity based on the association with the code associated with the characteristic with the changed value [col 6, lines 31-42];

determining whether the first entity is authorized to be informed of changes to he at least one characteristic value based on one of the one or more update values [col 5, lines 1-4]

Call discloses the elements of the claimed invention as noted above but does not disclose sending the changed characteristic value to the first entity based on the determination. Gupta discloses sending the changed characteristic value to the first entity based on the determination [col 3, lines 1-12]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Call to include sending the changed characteristic value to the first entity based on the determination as taught by Gupta for the purpose of immediately notifying an interested client of the occurrence of an event [col 2, lines 64-67]. The skilled artisan would have been motivated to modify Call per the above such that a client can be informed of information as soon as it becomes available.[col 1, lines 35-40]

Claim 16:

The combination of Call and Gupta discloses the elements of claim 15 as noted above and furthermore, Call discloses wherein the system comprises a server connected to a network and the first entity comprises another server on the network [col 3, line 60 through col 4, line 10]

Claim 17:

The combination of Call and Gupta discloses the elements of claim 15 as noted above and furthermore, Call discloses wherein the system comprises a server connected

to a network, the data is maintained by a seller, and the first entity is a buyer of the product from the seller [Fig 1 and abstract].

Claim 18:

The combination of Call and Gupta discloses the elements of claim 15 as noted above and furthermore, Call discloses wherein the product is a service [col 2, lines 33-47]

Response to Arguments

Applicant's arguments filed 5/9/2005 have been fully considered but they are now moot based on above new art rejection which was necessitated by applicant's amending of the claims. However, in the best interests of maintaining an accurate record, examiner considers the following arguments presented by applicant.

Applicant Argues:

Applicant states in the second paragraph on page 10 "Applicants respectfully submit that Call does not teach or suggest determining whether an entity *is authorized to be informed* of product information or characteristic values."

Examiner Responds:

Examiner is not persuaded. Call discloses the following in column 5, lines 1-4:

Similar password , certificate or digital signature protection schemes may be used to provide access to certain data or to data in certain forma only to authorized requesters.

Examiner maintains that above disclosure by Call reads on the claim "limitation determining whether the first entity is authorized to be informed of the changed characteristic value based on one of the one or more update values."

Applicant Argues:

Applicant states in the third paragraph on page 9 "Claim 1 further recites sending the changed characteristic value to the first entity based on the determination."

Examiner Responds:

Examiner is partially persuaded based on applicant's most recent claim amendments. Examiner has thus provided a new art rejection over Call in view of Gupta who discloses changes are sent to interested clients in real time

Conclusion

Applicant's submission of the requirements for the joint research agreement prior art exclusion under 35 U.S.C. 103(c) on 5/9/2005 prompted the new ground(s) of rejection under 37 CFR 1.109(b) presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.02(l)(3). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

06102005


MOHAMMAD ALI
PRIMARY EXAMINER